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Note verbale dated 17 June 2014 from the Permanent Mission of Ireland addressed to the Acting Secretary-General of the Conference on Disarmament transmitting the text of the paper entitled "Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons" submitted by Ireland on behalf of the New Agenda Coalition to the Third Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons[1]

The Permanent Mission of Ireland to the United Nations Office and other international organizations based in Geneva presents its compliments to the Acting Secretary-General of the Conference on Disarmament, and has the honour to transmit herewith the English language version of the paper entitled "Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons" submitted by Ireland on behalf of the New Agenda Coalition to the Third Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

The Permanent Mission of Ireland would appreciate it if the paper could be issued as an official document of the Conference on Disarmament and distributed to all member States and non-member participants of the Conference.

[1] Previously issued as document of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons under symbol NPT/CONF.2015/PC.III/WP.18 of 2 April 2014 as attached.

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Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by Ireland on behalf of the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand and South Africa)

Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons:

"Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

Background to the working paper

1. It has been 68 years since the General Assembly of the United Nations, in its first resolution, called for the establishment of a Commission to make proposals for "the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction".2 Twenty-four years later, the Treaty on the Non-Proliferation of Nuclear Weapons entered into force. That Treaty established a basis for pursuing the cessation of the nuclear arms race at an early date and for nuclear disarmament and established a number of prohibitions aimed at preventing the wider dissemination of nuclear weapons while reaffirming the inalienable right of all States parties to research, develop and use nuclear energy for peaceful purposes.

2. Implementation of the Treaty's objective of preventing nuclear weapons proliferation began when the Treaty entered into force. However, 44 years later, the framework prescribed by the Treaty for achieving its mutually reinforcing objectives — "cessation of the nuclear arms race at an early date and nuclear disarmament" — still remains unimplemented. As a result of this, progress on achieving the Treaty's disarmament objectives lags significantly behind the implementation of its non-proliferation objectives.

3. The Treaty initially entered into force for a fixed period of 25 years, after which the question of whether it should continue in force would require a decision of all parties to the Treaty.3 It is reasonable to assume that when the Treaty opened for signature in 1968, the outcome of a decision to be taken 27 years later as to whether the Treaty should continue in force beyond 1995 could not be predicted with any certainty. This would seem to raise a presumption that, in the absence of timelines for disarmament explicitly specified within the Treaty, it was envisaged that the Treaty would achieve its disarmament objectives either (i) within the initial 25-year lifespan or, alternatively; (ii) on the basis of timelines to be agreed and established within the set of "effective measures relating to cessation of the

[2] See General Assembly resolution 1, entitled "Establishment of a Commission to deal with the problems raised by the discovery of atomic energy" (24 January 1946).

[3] See article X (2) of the Treaty: "Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty."

nuclear arms race at an early date and to nuclear disarmament," which article VI of the Treaty obliges all parties to the Treaty to pursue in good faith. Neither has happened.

4. At the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Conference of the Parties to the Treaty, "[h]aving reviewed the operation of the Treaty and affirming that there is a need for full compliance with the Treaty, its extension and its universal adherence, which are essential to international peace and security and the attainment of the ultimate goals of the complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control,"4 agreed without a vote to extend the Treaty indefinitely so that the obligations assumed under it could continue in force. This included all obligations under the Treaty, including article VI, which remains unfulfilled.

5. The 2000 Review Conference agreed on a series of 13 practical steps for systematic and progressive efforts to implement article VI of the Treaty and paragraphs 3 and 4 (c) of the 1995 decision on "Principles and objectives for nuclear non-proliferation and disarmament". Fourteen years later, these 13 steps, which included an "unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI",5 remain largely unfulfilled. The "unequivocal" nature of this undertaking by the nuclear-weapon States would seem to have been undermined by subsequent claims by some nuclear-weapon States that they have reached the limits of their minimum credible nuclear deterrence requirements and therefore cannot reduce their nuclear arsenals further in current circumstances. The undertaking is further called into question by ongoing vertical proliferation and modernization programmes and by failures to de-alert operational weapons as a means of reducing nuclear tensions.

6. The 2010 Review Conference noted "the reaffirmation by the nuclear-weapon States of their unequivocal undertaking to accomplish, in accordance with the principle of irreversibility, the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI of the Treaty".6 That Conference agreed on a 64-point action plan across all pillars of the Treaty, as part of which the nuclear-weapon States committed "to accelerate concrete progress on the steps leading to nuclear disarmament, contained in the Final Document of the 2000 Review Conference", including by "rapidly moving towards an overall reduction in the global stockpile of all types of nuclear weapons, as identified in action 3". This action plan called upon the nuclear-weapon States to engage promptly with a view to undertaking certain confidence-building measures and to report on progress in implementing these undertakings to the Preparatory Committee at 2014.7 Following the failure to implement the 13 steps of 2000, the question of whether the 2010 Review Conference may be judged to have been successful will depend upon the extent to which implementation of the 2010 action plan can

4 See NPT/CONF.1995/32 (Part I), annex, decision 3.

5 See 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: Final Document, vol. I, part I, "Review of the operation of the Treaty, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference" (NPT/CONF.2000/28 (Parts I and II)), p. 14, para. 15.

6 See 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: Final Document (NPT/CONF.2010/50 (Vol. I)), part I, para. 79.

7 See 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, vol. I, part I, "Review of the operation of the Treaty, as provided for in its article VIII (3), taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference: Conclusions and recommendations for follow-on actions (NPT/CONF.2010/50 (Vol. I), p. 21, action 5).

be demonstrated to have progressed within the current Non-Proliferation Treaty review cycle.

7. Despite significant reductions in the numbers of nuclear weapons being stockpiled since the Cold War, the global nuclear arsenal today stands in excess of 17,000 weapons, with vertical nuclear weapons proliferation and modernization programmes ongoing and intended to continue for decades to come. At the same time, a number of nuclear-weapon States have confirmed that nuclear weapons are and will remain an integral part of their national and alliance military doctrines. The obligation upon States parties to establish a framework for achieving "cessation of the nuclear arms race at an early date and nuclear disarmament" under article VI of the Non-Proliferation Treaty has not been fulfilled. The 13 practical steps for systematic and progressive efforts towards achieving this have not been implemented. As a result, the Non-Proliferation Treaty framework for nuclear disarmament lacks the mechanisms to bring about the urgency, focus and clarity necessary for the Treaty to achieve its own objective. Despite this, the nuclear-weapon States have refused to engage in or support meaningful discussions about the humanitarian impact of nuclear weapons, the follow-up process to the high-level meeting of the General Assembly on nuclear disarmament, or the Open-ended Working Group on taking forward nuclear disarmament negotiations, each of which is entirely consistent with and supportive of article VI of the Non-Proliferation Treaty and all of which offer prospects for making progress on the nuclear-weapon States' own freely given unequivocal undertakings. This calls into question the seriousness with which the nuclear-weapon States approach their unequivocal undertaking to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament. For the vast majority of States that took a sovereign decision to forego nuclear weapons, in return for which they were given assurances of complete nuclear disarmament, this state of affairs is neither acceptable nor sustainable.

8. The Final Document of the 2010 Review Conference records that the Conference affirmed that "all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons".8 As we enter the final year of the 2015 review cycle, no such framework has been established and no exploratory or preparatory discussions have commenced so as to give effect to this commitment.

9. The purpose of this paper is to explore possible options for a framework of "effective measures" that are envisaged and required by article VI of the Treaty, and to examine how these might be elaborated in practice on terms that would strengthen article VI as an effective means for achieving the core disarmament objectives of the Treaty.

The problem: an incomplete nuclear disarmament framework as the quid pro quo for a functioning nuclear non-proliferation framework

10. Under the terms of the Treaty, the overwhelming majority of States entered into legally binding commitments not to receive, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices in the context, inter alia, of the corresponding legally binding commitments by the nuclear-weapon States to nuclear disarmament in accordance with the Treaty. Believing "that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war",9 the parties to that Treaty desired "to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their

8 Ibid., sect. II.B, para. iii.

9 Treaty on the Non-Proliferation of Nuclear Weapons, second preambular paragraph.

existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery..."10

The global nuclear non-proliferation framework

11. Implementation of the Treaty's non-proliferation agenda has been, for the most part, successful. In the 44 years since the Treaty's entry into force, the overwhelming majority of non-nuclear-weapon States remain faithful to their promises to forego the acquisition of nuclear weapons in exchange for promises of disarmament from the nuclear-weapon States. Global nuclear non-proliferation efforts are structurally supported and advanced by the International Atomic Energy Agency (IAEA) safeguards system and by broad participation in the decision-making bodies established by the statute of IAEA. Most countries have voluntarily adopted additional arrangements aimed at preventing nuclear weapons proliferation. If possible questions of compliance by non-nuclear-weapon States should arise, there are procedures and mechanisms by which these can be raised and examined. If serious concerns should arise, they can be referred to the IAEA Board of Governors and, in cases of particular gravity, to the United Nations Security Council. However, it is difficult to pursue non-proliferation effectively while openly failing on nuclear disarmament. The mutually reinforcing nature of nuclear disarmament and nuclear non-proliferation requires the effective implementation of both Treaty imperatives, since the success of one is dependent on and integrally linked to the achievement of the other. Without the requisite progress on nuclear disarmament, the objectives of the Treaty will never be realized.

The global nuclear disarmament regime

12. In contradistinction to the high number of initiatives and arrangements currently in place to support the Treaty's non-proliferation agenda, the Treaty's article VI disarmament agenda has not been accorded the requisite priority. Despite a clear mandate within the statute of IAEA for the application of safeguards to any bilateral or multilateral arrangement and a role in "furthering the establishment of safeguarded worldwide disarmament", some States actively resist the application of IAEA safeguards to nuclear disarmament activities. The IAEA Board of Governors and its General Conference have not been given a role beyond those States that have eliminated all their nuclear weapons and joined the Treaty as non-nuclear-weapon States.

13. It is not acceptable that, 44 years after the entry into force of the Non-Proliferation Treaty, and 19 years after it was indefinitely extended, the parties to the Treaty have not yet elaborated the "effective measures" that article VI requires. This is despite the fact that the International Court of Justice, in its 1996 advisory opinion, concluded unanimously that there exists an obligation to pursue in good faith and bring to a conclusion11 negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.12

14. Against this backdrop of decades of failure to elaborate and implement a viable and functioning framework for multilateral nuclear disarmament within the terms of article VI of the Treaty, the recent re-emergence of discussion and debate around the humanitarian consequences that would flow from any nuclear weapon detonation is particularly timely in that it has presented a stark picture of the potential consequences of continued collective inaction.

10 Ibid., eleventh preambular paragraph.

11 Emphasis added.

12 Advisory opinion of 8 July 1996: Legality of the threat or use of nuclear weapons.

The humanitarian imperative for achieving and maintaining a world without nuclear weapons

15. It is a fact that the catastrophic and potentially irreversible implications of any nuclear weapon detonation are known to and understood by all States.

16. The Non-Proliferation Treaty itself was concluded in the knowledge and understanding of "the devastation that would be visited upon all humankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples..."13 Until the commencement of the present Non-Proliferation Treaty review cycle, there has been insufficient debate about what this might mean in practice. The 2010 Review Conference Final Document clearly expressed the Conference's "deep concern at the continued risk for humanity represented by the possibility that these weapons could be used and the catastrophic humanitarian consequences that would result from the use of nuclear weapons". That this narrative has been taken up enthusiastically by a majority of United Nations Member States and a majority of Non-Proliferation Treaty States parties within the period of the current Non-Proliferation Treaty review cycle demonstrates that it is of central relevance to the issue of nuclear disarmament in the Treaty context. Humanitarian concerns were a motivating factor in establishing the Non-Proliferation Treaty; they remain a motivating factor in insisting that its provisions are implemented fully.

17. Recent fact-based discussions around the humanitarian consequences of nuclear weapons, including at two open-ended Conferences on the Humanitarian Impact of Nuclear Weapons, convened by Norway in March 2013 and by Mexico in February 2014, have enabled us to deepen our collective understanding of these calamitous consequences and of the increasing risks to life and health arising from possible (and actual) accidents, human error or systems failures at nuclear weapons facilities.14 A key message from experts and international organizations throughout these discussions has been that no State or international body has the capacity to address the humanitarian emergency caused by a nuclear weapon detonation or to provide adequate assistance to the victims.

18. In addition to the immediate consequences for victims killed or injured by a detonation, the calamitous longer-term and trans-boundary implications — for human survival and the health of future generations; for our environment and ecosystems; for agriculture; for socioeconomic development; and for our economies — are also clearly understood.

19. The inescapable conclusion that has been drawn by the majority of United Nations Member States from this fact-based discussion is very clear:

It is in the interest of the very survival of humanity that nuclear weapons are never used again, under any circumstances. The catastrophic effects of a nuclear weapon detonation, whether by accident, miscalculation or design, cannot be adequately addressed. All efforts must be exerted to eliminate the threat of these weapons of mass destruction.

The only way to guarantee that nuclear weapons will never be used again is through their total elimination. All States share the responsibility to prevent the use of nuclear weapons, to prevent their vertical and horizontal proliferation and to achieve nuclear

13 Treaty on the Non-Proliferation of Nuclear Weapons, first preambular paragraph.

14 See: New Agenda Coalition working paper submitted to the Third Preparatory Committee of the 2015 Review Conference, entitled "Humanitarian impact of nuclear weapons: known risks and consequences".

disarmament, including through fulfilling the objectives of the Non-Proliferation Treaty and achieving its universality.15

20. States parties to the Non-Proliferation Treaty elaborated, concluded, agreed and ratified that Treaty having considered "the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples".12 With the benefit of an increased understanding of the consequences that would flow from any nuclear weapon detonation — whether by accident, miscalculation or design — and knowing that the only way to guarantee fully against even the remotest possibility of a detonation is through the total elimination of all nuclear weapons, States bear a significantly heightened responsibility to move actively — and now — to meet the disarmament objectives of article VI in full.

21. Failure to establish a structured framework — involving nuclear weapon States and non-nuclear-weapon States alike — to pursue multilateral nuclear disarmament, as required by the Non-Proliferation Treaty, has meant that the process of disarmament has taken on the appearance of a voluntary endeavour to be undertaken by the nuclear-weapon States at a pace, in a manner, and on terms to be decided exclusively by them. However, as the Treaty's obligation to pursue effective measures for the collective achievement of nuclear disarmament makes clear, as the 1996 advisory opinion of the International Court of Justice confirms, and as the nuclear-weapon-States' own unequivocal undertakings "to accomplish the total elimination of their nuclear arsenals" would seem to acknowledge, nuclear disarmament, however onerous and expensive, is not a voluntary endeavour. It is a Treaty obligation.

22. As we advance towards the 2015 Review Conference, the New Agenda Coalition, through the present working paper, calls for serious and sustained discussion around the Non-Proliferation Treaty requirement that all parties to the Treaty must pursue and elaborate "effective measures" for the achievement of the Treaty's irreducible disarmament imperatives. This discussion will hopefully give added focus to any outcome of the 2015 Review Conference and assist in orientating the wider nuclear disarmament discussion beyond 2015.

The need for a clear, legally-binding, multilateral commitment to achieve nuclear disarmament

23. In the Open-ended Working Group on taking forward multilateral nuclear disarmament negotiations, the New Agenda Coalition asserted that the key to maintaining the integrity and sustainability of the global nuclear disarmament and non-proliferation regime is through the elaboration of "a clear, legally binding, multilateral commitment to achieve nuclear disarmament, which would underpin and guide all future efforts towards nuclear disarmament".[16] In terms of what this might entail, the New Agenda Coalition suggested that, "What is needed is a comprehensive and legally binding framework committing all States to a world free of nuclear weapons, which the New Agenda Coalition

15 See statement delivered by New Zealand on behalf of 125 States, sixty-eighth United Nations General Assembly First Committee meeting, New York, 21 October 2013.

16 See New Agenda Coalition working paper to the Open-ended Working Group, entitled "Elements for the achievement and maintenance of a world without nuclear weapons" (A/AC.281/WP.10), para. 14.

has consistently advocated for … implemented in an unconditional manner and backed by clearly defined timelines and benchmarks".[17]

24. Any such clear, freely entered into, legally binding, multilateral commitment, however elaborated, would be entirely consistent with the demand in article VI of the Non-Proliferation Treaty for "effective measures" to end the nuclear arms race and achieve nuclear disarmament. The pursuit of such a commitment would be equally consistent with action 1 of the 64-point action plan agreed on at the 2010 Review Conference, which requires that:

"All States parties commit to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons."

25. To achieve and maintain a world free of nuclear weapons, the New Agenda Coalition has suggested that among the measures that will need to be established as part of this legally binding commitment are: a prohibition against the use or threat of use of nuclear weapons; a prohibition against the possession, stockpiling, development or transfer of nuclear weapons; a prohibition against the production of or the use of already existing fissile material for nuclear weapons and the placing of all such fissile material under international safeguards; and a prohibition against nuclear-weapons tests in all their forms, including both supercritical and subcritical tests. To these would be added an obligation to achieve the complete elimination of nuclear weapons.18

Elements essential to any instrument creating a set of effective measures relating to cessation of the arms race at an early date and to nuclear disarmament

26. Enlarging upon this to set out a core list of elements that will form an essential part of any instrument or arrangement of instruments creating the set of "effective measures relating to cessation of the arms race at an early date and to nuclear disarmament" that article VI of the Non-Proliferation Treaty obliges States to elaborate, the following is suggested:

(i) A series of legal prohibitions against the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons;

(ii) An unequivocal and legally binding obligation to enter into a transparent, irreversible and verifiable process of complete nuclear disarmament;

(iii) Provisions for the control of fissile and other nuclear materials relevant to nuclear explosive devices such that these will not be used for weapons or other nuclear explosive purposes;

(iv) An effective means of verifying the implementation of the obligations and prohibitions arising under the instrument or framework, including through declarations, inspections, monitoring, cooperation, fact-finding, compliance and dispute-settlement mechanisms, etc.;

(v) A framework of national implementation measures;

(vi) An effective and non-discriminatory means of protecting States' entitlement to the exclusively peaceful uses of nuclear technology, subject, in all cases, to safeguards.

17 Ibid.

18 Ibid., para. 11.

Early consideration should be given to:

(vii) The practical, technical, legal, financial, administrative and other arrangements required for the creation of a treaty body to oversee all related activities and objectives, including through the creation of policy- and decision-making organs of the treaty body, the membership of which would be composed of State representatives.

27. The present working paper is designed to bring into the Non-Proliferation Treaty review cycle a serious discussion on the essential constituent elements that will be required if the instrument is to achieve its objective. To test how these elements might function in practice, States could explore a number of options for "effective measures" to implement article VI that have been suggested in the public discourse on nuclear disarmament.

28. The commencement of discussions around the options for effective measures to implement article VI of the Non-Proliferation Treaty does not in any way obviate or alter the need for urgent action on other existing obligations, commitments and undertakings entered into freely under the Treaty and at successive Treaty Review Conferences. In this regard, efforts must be intensified towards the establishment of nuclear-weapon-free zones where they do not yet exist and, in particular, in the Middle East in fulfilment of the 1995 resolution on the Middle East, agreed as part of a package of agreements that included the indefinite extension of the Treaty and reaffirmed by the 2000 and 2010 Review Conferences.

Options that have been suggested for the achievement and maintenance of a world free of nuclear weapons

29. Various options for achieving and maintaining a world free of nuclear weapons suggest themselves or have been suggested in the public discourse on nuclear disarmament. These options should now be explored, discussed and tested against the requirements of article VI. They are described in more detail in the annexes to this paper. They may be summarized as follows:

(1) A comprehensive Nuclear Weapons Convention, which, in setting out general obligations, prohibitions and an effective basis for time-bound, irreversible and verifiable nuclear disarmament, would complement the Chemical Weapons Convention and the Biological and Toxin Weapons Convention as an effective measure for the elimination of all weapons of mass destruction;

(2) A Nuclear Weapons Ban Treaty, which would establish the key prohibitions necessary for the pursuit, achievement and maintenance of a world free of nuclear weapons; such a Treaty could, but need not, additionally set out the practical arrangements required for implementing and overseeing effective, time-bound, irreversible and verifiable nuclear disarmament;

(3) A framework arrangement of mutually supporting instruments aimed at achieving and maintaining a world free of nuclear weapons. These would work in concert to establish the key prohibitions, obligations and arrangements for the achievement and maintenance of a world free of nuclear weapons;

(4) A hybrid arrangement which might include elements of all or any of the above options, or new elements.

30. The New Agenda Coalition does not assert that the above list of options is exhaustive; other options may suggest themselves or be suggested. Nor are any options presented as being necessarily mutually exclusive to, or in competition with, each other. In order to realize the Non-Proliferation Treaty's shared goal of a world without nuclear

weapons, it is in the interests of all States to participate in discussions around each of the options described above from the outset and to strive for the universality of any effective measures that might emerge from these discussions, pursuant to article VI of the Treaty. The New Agenda Coalition calls for all options to be discussed, examined and tested in full against the requirements of article VI, with a view to the early agreement of a framework to be implemented. The New Agenda Coalition asserts again that this is a treaty obligation upon all States parties to the Non-Proliferation Treaty. Each article of the Treaty is binding on the States parties at all times and in all circumstances; all States parties should be held fully accountable with respect to strict compliance with their obligations under the Treaty.

31. Any of the options suggested would advance the object and purpose of the Non-Proliferation Treaty in the manner envisaged and required by article VI of the Treaty, through the pursuit and conclusion of negotiations on "effective measures" to complement and complete the Treaty's disarmament framework.

The need for full implementation of article VI as a constituent element of the Non-Proliferation Treaty

32. Serious discussion is required on all aspects of the requirement of article VI of a framework for nuclear disarmament. All available forums should be used, including, but not limited to, the standing institutions in which disarmament issues should be addressed and more recent initiatives such as the follow-up process to the 2013 high-level meeting of the General Assembly on nuclear disarmament, the Open-ended Working Group on taking forward multilateral nuclear disarmament negotiations reconstituted under a new mandate and at stand-alone conferences that address disarmament issues. The New Agenda Coalition will continue to call for discussions in all of these forums.

33. Unless and until all options for the elaboration of the "effective measures" envisaged by article VI are explored, the present stalled pace of disarmament will continue. This will place increasing and intolerable pressure on a treaty that has already been accused of being discriminatory in that its Conference of States Parties has consistently pressed the Treaty's non-proliferation agenda with vigour and urgency while persistently failing to establish a functioning framework for complete nuclear disarmament as agreed. The perception of discrimination has not been helped by defence doctrines that appear to suggest that nuclear-weapon States, nuclear alliance States and nuclear umbrella States are entitled to retain and/or rely upon what is described as a "credible" or "minimum" deterrent nuclear weapons capability as a necessary means of ensuring their security, potentially in perpetuity, or by claims that international security conditions are not at present conducive to a world without nuclear weapons. The situation is exacerbated by ongoing nuclear weapons modernization programmes (amounting to a de facto qualitative nuclear arms race) and by the continued forward deployment of nuclear weapons on the territory of non-nuclear-weapon States.

34. The New Agenda Coalition sees a direct causal link between the retention of nuclear weapons and possible attempts to acquire them. The dynamic of an arms race has always been that possession provides the incentive for acquisition; proliferation begets proliferation.

35. Given that more than four decades have passed since the entry into force of the Non-Proliferation Treaty, and almost seven decades have passed since the first General Assembly resolution called for proposals for "the elimination from national armaments of atomic weapons and all other major weapons adaptable to mass destruction", the status quo is unacceptable. The New Agenda Coalition believes it is long past time for States to deliver upon their repeated expressions of political commitment to the elimination of nuclear weapons in line with Non-Proliferation Treaty obligations, to be reflected in

substantial action to safeguard future generations from the danger of a nuclear disaster arising from the use of nuclear weapons

Annex I

Option 1: A comprehensive Nuclear Weapons Convention

1. A model Nuclear Weapons Convention was submitted as an official document to the sixty-second session of the General Assembly of the United Nations.19 This detailed document sets out the legal, technical and political elements which it suggests are required for the establishment and maintenance of a nuclear weapons-free world. It includes among its main elements:

(1) A set of general obligations prohibiting the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons and requiring States possessing nuclear weapons to destroy them;

(2) A declarations obligation, under which States parties to the Convention would be required to declare all nuclear weapons, nuclear material, nuclear facilities and nuclear weapons delivery vehicles that they possess or control and the locations of these;

(3) A phased process of nuclear weapons elimination, involving five phases of elimination: (i) de-alerting; (ii) removal from deployment; (iii) removal of warheads from their delivery vehicles; (iv) disabling of the warheads; and (v) removal and disfiguring of the "pits" and placement of fissile material under international control;

(4) A verification process, which would include declarations and reports from States, routine inspections, challenge inspections, on-site sensors, satellite photography, radionuclide sampling and other remote sensors, information-sharing with other organizations, and citizen reporting;

(5) A set of national implementation measures, through which States parties would be required to adopt necessary legislative measures to implement their obligations under the Convention to provide for the prosecution of persons committing crimes and for the protection for persons reporting violations of the Convention; States would also be required to establish a national authority responsible for national tasks in implementation;

(6) A series of rights and obligations for individuals, legal entities and States;

(7) The establishment of an Agency to implement the Convention. This would be responsible for verification, ensuring compliance, and decision-making, and would comprise a conference of States parties, an executive council and a technical secretariat;

(8) Provisions regarding nuclear material, which would prohibit the production of any fissionable or fusionable material that can be used directly to make a nuclear weapon, including plutonium (other than that in spent fuel) and highly enriched uranium. Low enriched uranium would be permitted for nuclear energy purposes;

(9) Procedures for cooperation, compliance and dispute settlement, which include provisions for consultation, cooperation and fact-finding to clarify and resolve questions of interpretation with respect to compliance and other matters, with the possibility of referrals to the International Court of Justice and a series of graduated responses for non-compliance;

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[19] See annex to the letter dated 17 December 2007 from the Permanent Representatives of Costa Rica and Malaysia to the United Nations addressed to the Secretary-General (A/62/650, dated 18 January 2008).

(10) A means of clarifying how the Convention would relate to other international agreements. The model Nuclear Weapons Convention would represent the implementation of article VI, of a universally adhered to Non-Proliferation Treaty, and build on existing nuclear non-proliferation and disarmament regimes and verification and compliance arrangements, including the Non-Proliferation Treaty, International Atomic Energy Agency Safeguards, Comprehensive Test Ban Treaty Organization International Monitoring System and bilateral agreements between the Russian Federation and the United States of America. In some cases, the model Nuclear Weapons Convention may add to the functions and activities of such regimes and arrangements. In other cases, the model Nuclear Weapons Convention would establish additional complementary arrangements;

(11) Details as to financing, under which nuclear-weapon States would meet the costs of eliminating their nuclear arsenals and an international fund would be established to assist States facing financial difficulties in meeting their obligations;

(12) The inclusion of an optional protocol concerning energy assistance, which would establish a programme of energy assistance for States parties choosing not to develop nuclear energy or to phase out existing nuclear energy programmes.

2. As set out above, a comprehensive Nuclear Weapons Convention would complement the Chemical Weapons Convention and the Biological and Toxin Weapons Convention and, thereby, complete the international treaty framework for the elimination and prohibition of all weapons of mass destruction. The draft submitted to the sixty-second session of the General Assembly could offer a useful basis for States to begin discussions exploring the concept of a comprehensive Convention and how it would work in practice.

3. Consideration would have to be given to how a comprehensive Convention would operate in practice alongside — in support of — the Non-Proliferation Treaty, particularly if both arrangements enjoy different levels of adherence. Article VI of the Non-Proliferation Treaty does not require that any new "effective measure" be situated within the text of the Non-Proliferation Treaty, but simply that measures must be elaborated in support of the Treaty's object and purpose. Consistent with general international law, it would, of course, be possible for non-Non-Proliferation Treaty States to adhere to a Convention (either as a stand-alone instrument or as part of a wider framework arrangement) without first being required to adhere to the Non-Proliferation Treaty. The effect would be to facilitate the implementation of Non-Proliferation Treaty norms and obligations on terms that permit non-Non-Proliferation Treaty State participation. Non-Proliferation Treaty universality could of course follow and as now would be encouraged. At the same time, it is possible that certain Non-Proliferation Treaty States may be disinclined to join a Convention, at least initially. States should explore what this might mean for the Non-Proliferation Treaty, for a comprehensive Convention, and for the respective groups of States adhering to (or choosing not to adhere to) each.

4. Examination of a comprehensive Nuclear Weapons Convention should explore fully all practical issues that may arise in the implementation of the Convention's provisions in order to support article VI of the Non-Proliferation Treaty.

Annex II

Option 2: A Nuclear Weapons Ban Treaty

1. While many States have recognized the need to eliminate and abolish nuclear weapons internationally, this has not manifested itself in any exploratory or preparatory work or discussion by States around the concept of a Ban Treaty as a contributor to disarmament and non-proliferation efforts. As a possible means of ensuring the full implementation of article VI, the Ban Treaty option should be examined by States as with all other options.

2. At its simplest, a Nuclear Weapons Ban Treaty could be established through a short legally binding instrument that codifies in relatively simple terms the detail of the prohibitions implicitly assumed by all of the non-nuclear-weapon States when they joined the Non-Proliferation Treaty. To achieve this, the Treaty could simply set out a short sequence of general obligations and prohibitions similar to those set out in the general obligations section of the draft model Nuclear Weapons Convention submitted to the General Assembly at its sixty-second session. Through such provisions, a Ban Treaty could establish existing Non-Proliferation Treaty obligations and commitments on a more clearly defined footing and continue them in effect.

3. As distinct from a comprehensive Convention, it would not seem necessary for a Ban Treaty to prescribe the kinds of legal and technical arrangements needed for the establishment and maintenance of a nuclear weapons-free world. It could of course prescribe such arrangements to the extent that States might wish. However, if not prescribed in a Ban Treaty, such arrangements would need to be prescribed by other means. In this sense, it would appear that a short-form Ban Treaty, which simply prohibits the weapons, might usefully be examined as either an instrument building upon existing obligations in a longer-term process towards elaborating a complete set of effective measures for the achievement and maintenance of a world without nuclear weapons or, alternatively, as just one constituent element of a wider framework arrangement to achieve the same ends (see Option 3 — "framework arrangement" — annex III).

4. As in the case of the comprehensive Nuclear Weapons Convention, consideration would have to be given to how a Ban Treaty would operate in practice alongside — in support of — the Non-Proliferation Treaty, particularly if both arrangements enjoyed different levels of adherence. Article VI of the Non-Proliferation Treaty does not require that any new "effective measure" be situated within the text of the Treaty, but simply that measures be elaborated in support of the Treaty's object and purpose. It would therefore be possible for non-Non-Proliferation Treaty States to adhere to a Ban Treaty (either as a stand-alone instrument or as part of a wider framework arrangement) without first having to adhere to the Non-Proliferation Treaty. The effect would be to facilitate the implementation of Non-Proliferation Treaty norms and obligations on terms that permit non-Non-Proliferation Treaty State participation. Non-Proliferation Treaty universality could of course follow and as now would be encouraged. At the same time, it is possible that certain Non-Proliferation Treaty States may be disinclined to join a Ban Treaty, at least initially. States should explore what this might mean for the Non-Proliferation Treaty, for the Ban Treaty, and for the respective groups of States adhering to (or choosing not to adhere to) each.

5. A Ban Treaty, in whatever form it might take, would need to make some provision for the elaboration (either within the Ban itself or by other means) of the disarmament obligations and arrangements that would be a necessary and irreducible element of the

accession of any nuclear-weapon-possessor State. These disarmament arrangements would need to include a basis for verification procedures, timelines, reporting arrangements, etc., similar to those in a comprehensive Convention. A short-form Ban Treaty that does not delineate detailed verification arrangements for disarmament could equally make provision for the subsequent elaboration of these details at a later date, by agreement between the acceding weapons State and the policymaking organs of the Ban Treaty organization.

6. As set out above, the prohibitions set out in a Nuclear Weapons Ban Treaty would complement the prohibitions set out in the Chemical Weapons Convention and the Biological and Toxin Weapons Convention and, thereby, complete the international treaty framework for the prohibition of all weapons of mass destruction.

7. Examination of the Ban Treaty should explore fully all practical issues that may arise in the implementation of the Ban Treaty's provisions in order to support article VI of the Non-Proliferation Treaty.

Annex III

Option 3: A framework arrangement

1. A framework arrangement would involve the elaboration of a series of mutually supporting instruments that, together, would address the various requirements of achieving and maintaining a world without nuclear weapons. At the centre of the framework would be the Non-Proliferation Treaty. It would be supported from without by a number of instruments that would presumably include: the Comprehensive Nuclear-Test-Ban Treaty, if and when it enters into force, and a Fissile Material Treaty, if one is negotiated and agreed.

2. Further requirements of a framework arrangement would seem to include an instrument setting out the detail of general obligations and prohibitions to be assumed (which could be achieved through either a comprehensive Nuclear Weapons Convention or a Nuclear Weapons Ban Treaty — both described in annexes I and II above); and an instrument establishing the necessary technical, legal and other arrangements for the implementation and oversight of related nuclear disarmament activities and nuclear non-proliferation safeguards within the arrangement. A comprehensive Convention, as described in paragraph 29 of the working paper, may provide many of these requirements of a framework. This would not preclude the addition of a Ban Treaty or any other instrument that States might suggest.

3. Examination of a framework arrangement should explore fully all practical issues that may arise in the implementation of the provisions of each instrument in order to support article VI of the Non-Proliferation Treaty.

Annex IV

Option 4: A hybrid arrangement

1. A hybrid arrangement would take individual elements of the three arrangements mentioned in annexes I to III above and combine them or add to them, in elaborating an instrument or set of instruments to set out the necessary "effective measures" to achieve and maintain a world without nuclear weapons.

Conference on Disarmament

20 June 2014

Original: English

Note verbale dated 17 June 2014 from the Permanent Mission of Ireland addressed to the Acting Secretary-General of the Conference on Disarmament transmitting the text of the paper entitled "Humanitarian impact of nuclear weapons: known risks and consequences" submitted by Ireland on behalf of the New Agenda Coalition to the Third Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons[1]

The Permanent Mission of Ireland to the United Nations Office and other international organizations based in Geneva presents its compliments to the Secretary-General of the Conference on Disarmament, and has the honour to transmit herewith the English language version of the paper entitled "Humanitarian impact of nuclear weapons: known risks and consequences" submitted by Ireland on behalf of the New Agenda Coalition to the Third Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

The Permanent Mission of Ireland would appreciate it if the paper could be issued as an official document of the Conference on Disarmament and distributed to all member States and non-member participants of the Conference.

[1] Previously issued as document of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons under symbol NPT/CONF.2015/PC.III/WP.19 of 4 April 2014 as attached.

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Humanitarian impact of nuclear weapons: known risks and consequences

Working paper submitted by Ireland on behalf of Brazil, Egypt, Mexico, New Zealand and South Africa as members of the New Agenda Coalition

Background

1. Today, Governments around the world are grappling with the evidence that was presented at two international conferences, one in Oslo (March 2013) and one in Nayarit, Mexico (February 2014), on the humanitarian consequences of a nuclear detonation. This evidence, taken together with the living and graphic testimony of several survivors (*hibakusha*) of the explosions at Hiroshima and Nagasaki, points up in considerable detail the catastrophic consequences for ordinary civilians that would follow a nuclear weapon explosion. Of great concern, too, for Governments and their citizens is the actual and foreseeable lack of capacity on the part of States or international organizations to cope with the aftermath of a nuclear detonation. Overriding the predictable consequences and lack of capacity, however, is the ever-present and arguably increasing risk of an accident, systems failure, human error or even a climate event affecting a nuclear weapon or a nuclear weapons facility. This inevitably leads to a pressing need for Governments to assess and measure those risks and to consider the policy implications that arise (see NPT/CONF.2015/PC.III/WP.18).

2. In 1946, within six months of the first use of nuclear weapons, when their immediate destructive effects had been witnessed but their longer-term consequences were only beginning to become clear, the General Assembly passed its first resolution, which called for the establishment of a commission to make specific proposals for "the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction". That commission was also to make specific proposals "for control of atomic energy to the extent necessary to ensure its use only for peaceful purposes".

3. In 1961, spurred on by the nuclear tests undertaken in Algeria, the General Assembly passed a resolution on the report of the United Nations Scientific Committee on the Effects of Atomic Radiation,[2] in which the Assembly declared "that both concern for the future of mankind and the fundamental principles of international law impose a responsibility on all States concerning actions which might have harmful biological consequences for the existing and future generations of peoples of other States ...". Such concern spurred the creation of nuclear-weapon-free zones in several regions, starting with the Treaty of Tlatelolco (Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean), in which States of the region expressed the belief "[t]hat nuclear weapons, whose terrible effects are suffered, indiscriminately and inexorably, by military forces and civilian population alike, constitute, through the persistence of the radioactivity they release, an attack on the integrity of the human species and ultimately may even render the whole earth uninhabitable".[3] Subsequently, testing in the Pacific region and in Central Asia motivated the establishment of nuclear-weapon-free zones by the Treaty of Rarotonga (South Pacific Nuclear Free Zone Treaty); the Treaty of Bangkok (Treaty on the Southeast

[2] Resolution 1629 (XVI).

[3] United Nations, *Treaty Series*, vol. 634, No. 9068.

Asia Nuclear-Weapon-Free Zone); the Treaty of Pelindaba (African Nuclear-Weapon-Free Zone Treaty); and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia. The devastating long-term consequences of nuclear testing have been coming further to the fore in recent times.

4. When the Treaty on the Non-Proliferation of Nuclear Weapons was agreed in 1968, it recorded in its first preambular paragraph that the Parties to the Treaty, "Considering the devastation that would be visited upon all mankind by a nuclear war ...", had recognized and understood "... the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples". The provisions of the Treaty have formed the cornerstone of the nuclear disarmament and nuclear non-proliferation regime for more than four decades. The Treaty's envisaged processes of nuclear disarmament and nuclear non-proliferation, which are mutually reinforcing, flow from the central premise of the Treaty that, to achieve and maintain a world without nuclear weapons, the nuclear-weapon States legally committed themselves to pursue nuclear disarmament and the elimination of their nuclear arsenals, while at the same time the non-nuclear-weapon States legally committed themselves not to receive, manufacture or otherwise acquire nuclear weapons. All States were to pursue effective measures for the achievement of complete nuclear disarmament. At the same time, the Treaty reaffirmed the inalienable right to the peaceful uses of nuclear energy.

5. Eight years after the Treaty had entered into force, the General Assembly held its tenth special session, the first devoted to disarmament. The Assembly adopted, as a constituent element of the final document of this special session, a declaration that "[m]ankind today is confronted with an unprecedented threat of self-extinction arising from the massive and competitive accumulation of the most destructive weapons ever produced. Existing arsenals of nuclear weapons alone are more than sufficient to destroy all life on earth".[4]

6. The Treaty was concluded during the Cold War, when the dangers of nuclear war were heightened and more immediate. While some progress was made on bilateral arms reductions during the envisaged 25-year lifetime of the Treaty, nuclear disarmament as envisaged and required by the Treaty had not been achieved by 1995, when States parties to the Treaty were required to meet to decide whether the Treaty should continue in force. Consequently, at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, States parties to the Treaty agreed, without a vote, that the Treaty should continue in force indefinitely. At the Conference, States parties agreed on decisions entitled Strengthening the review process for the Treaty; Principles and objectives for nuclear non-proliferation and disarmament; and Extension of the Treaty on the Non-Proliferation of Nuclear Weapons, as well as on a resolution on the Middle East.[5] The decision on principles and objectives for nuclear non-proliferation and disarmament, agreed at the 1995 Conference, included a reaffirmation of the preamble and provisions of the Treaty. It is beyond doubt, therefore, that concern about the devastation of a nuclear war, which informed the framers of the Treaty, remained as central a motivation for the nuclear disarmament and nuclear non-proliferation regime in 1995 as it had been at its entry into force a quarter of a century earlier.

7. In a July 1996 Advisory Opinion, the International Court of Justice, in deciding the basis on which it should examine the request put to it on the legality of the use or threat of use of nuclear weapons, looked at the unique characteristics of nuclear weapons, according to the material presented to it. The Court observed that the "destructive power of nuclear

[4] A/S-10/4, para. 11.

[5] NPT/CONF.1995/32 (Part I).

weapons cannot be contained in either space or time. They have the potential to destroy all civilization and the entire ecosystem of the planet ... . [I]n order correctly to apply to the present case the Charter law on the use of force and the law applicable in armed conflict, in particular humanitarian law, it is imperative for the Court to take account of the unique characteristics of nuclear weapons, and in particular their destructive capacity, their capacity to cause untold human suffering, and their ability to cause damage to generations to come."[6]

8. In 1998, when the New Agenda Coalition was launched, the foreign ministers of the Coalition were motivated by "the continuing threat to humanity represented by the perspective of the indefinite possession of nuclear weapons by the nuclear-weapon States, as well as by those three nuclear-weapons-capable States that have not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons, and the attendant possibility of use or threat of use of nuclear weapons".[7] Since its foundation, the Coalition has worked relentlessly to champion nuclear disarmament and has consistently maintained that the only absolute guarantee that nuclear weapons will never be used again is their total elimination and the assurance that they will never be produced again.

9. At the 2000 Non-Proliferation Treaty Review Conference, States parties to the Treaty noted that "despite the achievements in bilateral and unilateral arms reduction, the total number of nuclear weapons deployed and in stockpile still amounts to many thousands".[8] The Conference also expressed "its deep concern at the continued risk for humanity represented by the possibility that these nuclear weapons could be used".[9] To facilitate progress on nuclear disarmament, that Conference agreed on a series of practical steps for the systematic and progressive efforts to implement article VI of the Treaty (the 13 practical steps) and paragraphs 3 and 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament".[10] Included among those steps was an unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, leading to nuclear disarmament to which all States parties are committed under article VI.

10. When Heads of State and Government gathered later in 2000 at the Millennium Summit, they adopted the Millennium Declaration in which they resolved "[t]o strive for the elimination of weapons of mass destruction, particularly nuclear weapons, and to keep all options open for achieving this aim, including the possibility of convening an international conference to identify ways of eliminating nuclear dangers".[11]

11. While the first decade of the millennium saw welcome progress in terms of reductions in the numbers of nuclear weapons, both in unilateral and bilateral measures, the momentum towards concrete and irreversible nuclear disarmament lost pace. The 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons noted the "reaffirmation by the nuclear-weapon States of their unequivocal undertaking to accomplish, in accordance with the principle of irreversibility, the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI of the Treaty".[12] The Conference also expressed "its

[6] A/51/218, annex; see also *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996*, p. 226.

[7] A/53/138.

[8] NPT/CONF.2000/28 (Parts I and II).

[9] Ibid.

[10] Ibid.

[11] A/RES/55/2.

[12] NPT/CONF.2010/50 (Vol. I), para. 79.

deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and reaffirms the need for all States at all times to comply with applicable international law, including international humanitarian law".[13]

Addressing the increasing risk: the 2015 Treaty review cycle

12. Since the 2010 Review Conference, awareness has been growing not just about the humanitarian consequences of a nuclear detonation but also about the increasing risks to the lives and health of citizens resulting from accidents, human error or systems failures involving nuclear weapons. Based on information acquired through Freedom of Information legislation, on data volunteered by State administrations and on cases of human or mechanical failures (when logged and reported), the international community has been presented in recent times with cogent evidence that the risks of an accident in the widest sense are ever-present, continuing, greater than previously suspected and arguably increasing. At the same time, increasing urban populations and the greater destructive power of nuclear weapons have served to amplify the potential health and environmental effects of a nuclear detonation. Governments and policymakers are now having to reconcile these facts with their duty of care towards their citizens' welfare in the light of these increasing risks. The reminders of the risks are especially worrying because of the evidence provided at the Oslo and Nayarit conferences about the lack of capacity of both national and international agencies to provide any adequate emergency response in the event of a nuclear-weapon explosion. A discussion by Governments on a concerted policy response aimed at preventing any possibility of a nuclear detonation is therefore unavoidable (see NPT/CONF.2015/PC.III/WP.18).

13. The following are some recent key staging posts that have brought international deliberations to this point:

- In 2011, the Council of Delegates of the International Red Cross and Red Crescent Movement welcomed increased diplomatic efforts on nuclear disarmament, including at the 2010 Review Conference, and emphasized "the incalculable human suffering that can be expected to result from any use of nuclear weapons, the lack of any adequate humanitarian response capacity and the absolute imperative to prevent such use".[14]

- At the 2012 session of the Preparatory Committee for the 2015 Review Conference, the Chairman's summary reflects that "States parties recalled their deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons. Many States parties stressed their serious concern that in such an event, these humanitarian consequences would be unavoidable and emergency relief could not be provided to affected areas. They expressed their expectation that the humanitarian consequences of any use of nuclear weapons would be addressed during the current review cycle."[15]

- On 4 January 2013, the General Assembly passed, by an overwhelming majority, a resolution on "Taking forward multilateral nuclear disarmament negotiations". In the preamble to that resolution, the Assembly expressed its deep

[13] Ibid., para. 80.

[14] Council of Delegates of the International Red Cross and Red Crescent Movement, Geneva, Switzerland, Resolution 1: Working towards the elimination of nuclear weapons, 26 November 2011.

[15] NPT/CONF.2015/PC.I/WP.53, para. 9.

concern "about the catastrophic humanitarian consequences of any use of nuclear weapons".[16]

- The Government of Norway hosted the Conference on the Humanitarian Impact of Nuclear Weapons, a fact-based exploration of the more immediate impact of a nuclear-weapon detonation, on 4 and 5 March 2013 in Oslo. The Chair's summary of the Conference found that it is "unlikely that any State or international body could address the immediate humanitarian emergency caused by a nuclear-weapon detonation in an adequate manner and provide sufficient assistance to those affected. Moreover, it might not be possible to establish such capacities, even if it were attempted".

- At the 2013 session of the Preparatory Committee for the 2015 Review Conference, "States parties recalled their deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons. Many States parties referred to the unacceptable harm that would result from a detonation and expressed further concern about the wider and longer-term impact on socioeconomic development and their expectation that the humanitarian consequences would continue to be addressed during the current review cycle. Many States parties referred to the Conference on the Humanitarian Impact of Nuclear Weapons held in Oslo from 4 to 5 March 2013. Following from the discussions at the Oslo Conference, those States parties stressed their serious concern that in such an event, these humanitarian consequences would be unavoidable and emergency relief could not be provided to affected areas. The same States parties looked forward to the follow-on conference to be hosted by Mexico in order to deepen understanding on this matter through a fact-based dialogue."[17]

- On 26 September 2013, the General Assembly held its first High-Level Meeting on nuclear disarmament. Secretary-General Ban Ki-moon recalled that, since its first resolution in 1946, nuclear disarmament has been one of the principal objectives of the United Nations.

- In a statement to the First Committee on 21 October 2013, which built upon similar efforts in both the General Assembly and the Non-Proliferation Treaty from 2012 onwards, coordinated by Switzerland and, later, South Africa and delivered by New Zealand on behalf of 125 States, those States recalled that "[i]t is in the interest of the very survival of humanity that nuclear weapons are never used again, under any circumstances. The catastrophic effects of a nuclear-weapon detonation, whether by accident, miscalculation or design, cannot be adequately addressed. All efforts must be exerted to eliminate the threat of these weapons of mass destruction." In the view of those States, "[t]he only way to guarantee that nuclear weapons will never be used again is through their total elimination. All States share the responsibility to prevent the use of nuclear weapons, to prevent their vertical and horizontal proliferation and to achieve nuclear disarmament, including through fulfilling the objectives of the Non-Proliferation Treaty and achieving its universality."

- In November 2013, the Council of Delegates of the International Red Cross and Red Crescent Movement reiterated "its deep concern about the catastrophic humanitarian consequences of any use of nuclear weapons, including the unspeakable human suffering that their use would cause and the threat that such weapons pose to food production, the environment and future generations".

[16] A/RES/67/56.
[17] NPT/CONF.2015/PC.II/WP.49, para. 9.

14. Most recently, at the Second Conference on the Humanitarian Impact of Nuclear Weapons in Nayarit, Mexico, on 13 and 14 February 2014, the Chair's summary concluded that reconstruction of infrastructure and regeneration of economic activities, trade, communications, health facilities and schools would take several decades, causing profound social and political harm. That summary also concluded that radiation exposure could result in short- and long-term negative effects in every organ of the human body and would increase cancer risks and future hereditary pathologies. With a more thorough understanding of the sheer scale of impact of even a single detonation in a densely populated area and the inability of the international community to respond adequately in the short term, the consequences of a detonation are far greater than are apparent. Research carried out recently, particularly since the Oslo Conference, and presented in Nayarit, about national and international response capacity to a detonation has shown that national response capacities in the immediate and longer term would be severely overstretched and responses by international agencies in the short term would be ineffective to the point of being wholly inadequate.

15. Given the scale of the consequences, determining the level of risk to which humanity remains exposed requires an examination of the probability of a detonation. At the Conference in Nayarit, research was presented which indicated that the risks of a nuclear detonation are far higher than might commonly be perceived. Information publicly available has clearly illustrated that the world has come far closer to a nuclear detonation during the nuclear age (whether by accident, miscalculation or design) than was previously known or believed. Evidence presented at the Second Conference on the Humanitarian Impact of Nuclear Weapons showed that the risk of a nuclear-weapon detonation is growing globally owing to factors that include the vulnerability of nuclear command and control networks to cyber attacks and human error and potential access to nuclear weapons by non-State actors, in particular terrorist groups.

16. The Third Conference on the Humanitarian Impact of Nuclear Weapons, to be hosted by the Government of Austria before the end of 2014, represents an important opportunity for all States to continue and deepen the fact-based discourse of Oslo and Nayarit, and to begin considering the policy implications of the information provided.

Policy implications for States

17. The humanitarian consequences of a nuclear-weapon detonation, should one ever occur, will be calamitous, transboundary and long term. They will affect weapons and non-weapons States alike. With a heightened knowledge and understanding of these consequences, it is incumbent upon all States to move to pursue an effective and binding framework for the prevention of this eventuality. The only way to prevent a nuclear-weapon detonation is through the total elimination of nuclear weapons and the assurance that they will never be produced again. The Chair's summary of the Second International Conference on the Humanitarian Impact of Nuclear Weapons concluded, "the broad-based and comprehensive discussions on the humanitarian impact of nuclear weapons should lead to the commitment of States and civil society to reach new international standards and norms, through a legally binding instrument". In its working paper entitled "Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons" (NPT/CONF.2015/PC.III/WP.18), the New Agenda Coalition calls for all States immediately to begin discussions towards elaborating a binding framework. Such a framework would require clearly defined benchmarks and timelines for transparent, irreversible and verifiable nuclear disarmament for the achievement and maintenance of a world without nuclear weapons.

18. The evidence of the increasing risks and devastating consequences of a nuclear-weapon detonation, whether by accident, miscalculation or design, which has been brought into stark relief since the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, serves to underscore further the humanitarian considerations that were central to the creation of the Treaty. These considerations should now be equally central to all present and future actions aimed at securing a world free of nuclear weapons. The humanitarian imperatives that underpin nuclear disarmament and the urgency of achieving this goal should therefore be given due prominence in the decisions and follow-on actions agreed during the 2015 review cycle of the Non-Proliferation Treaty and in the outcome of the 2015 Review Conference.

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Nuclear disarmament

Working paper submitted by Ireland on behalf of Brazil, Egypt, Mexico, New Zealand and South Africa, as members of the New Agenda Coalition

Background

1. The Treaty on the Non-Proliferation of Nuclear Weapons is the foundation of the nuclear disarmament and nuclear non-proliferation regime. Since 1998, the New Agenda Coalition has been working relentlessly towards the fulfilment of the bargain of the Treaty by championing the cause of nuclear disarmament, urging the nuclear-weapon States to intensify the pace of implementation of their nuclear disarmament obligations and advocating for universal adherence to the Treaty. Nuclear disarmament and nuclear non-proliferation are mutually reinforcing processes that flow from the Treaty's central premise, namely, that the nuclear-weapon States have legally committed themselves to the pursuit of nuclear disarmament and the elimination of their nuclear arsenals, in return for which the non-nuclear-weapon States have legally committed themselves not to receive, manufacture or otherwise acquire nuclear weapons, while the Treaty also asserts the inalienable right of States to the peaceful uses of nuclear energy.

2. States parties to the Treaty are equally bound by each of its provisions at all times and in all circumstances. All States parties must, therefore, be held accountable with regard to compliance with their obligations under the Treaty. Selective approaches towards the implementation of certain provisions of the Treaty serve only to undermine the nuclear disarmament and nuclear non-proliferation regime. The deep concerns expressed by New Agenda Coalition ministers in 1998 about the reluctance and lack of urgency on the part of the nuclear-weapon States in fulfilling their Treaty obligations remain regrettably all too relevant.

3. Any justification for the continued retention of nuclear weapons or any presumption of a right to indefinite possession of nuclear weapons by the nuclear-weapon States is incompatible with Treaty obligations, with the integrity and sustainability of the nuclear disarmament and nuclear non-proliferation regime and with the broader goal of pursuing international peace and security. As long as some States continue to possess nuclear weapons, citing security reasons for doing so, others do and will aspire to acquire them. As a result, the continued possession of nuclear weapons serves as a potential driver of proliferation.

4. By limiting the horizontal proliferation of nuclear weapons, significant progress has been achieved on the non-proliferation objective of the Treaty. While the non-proliferation measures have been strengthened over the years, nuclear disarmament as envisaged in the Treaty has yet to be achieved. The international community must, therefore, redouble its efforts to ensure that the nuclear-weapon States and countries outside the Treaty take the requisite steps towards the speedy, final and total elimination of their nuclear weapons. The reaffirmation of the commitment to the total elimination of nuclear weapons was fundamental to decision 3 of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, adopted without a vote, to extend the Treaty indefinitely (see NPT/CONF.1995/32 (Part I)). That agreement to extend the Treaty indefinitely was part of an interlinked series of measures that included decision 1, on strengthening the review process for the Treaty, decision 2, on principles and objectives for

nuclear non-proliferation and disarmament and the resolution entitled "Resolution on the Middle East".

5. At the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, States parties agreed upon a Final Document that included practical steps for systematic and progressive efforts to implement article VI of the Treaty. The nuclear-weapon States provided an unequivocal undertaking in that Final Document to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament.

6. In 2000, States parties to the Treaty also agreed that the "principle of irreversibility [applies] to nuclear disarmament, nuclear and other related arms control and reduction measures". The 2000 Review Conference also agreed on "the further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world". The New Agenda Coalition presented its views on "Multilateral nuclear disarmament verification: applying the principles of irreversibility, verifiability and transparency" (NPT/CONF.2015/PC.I/ WP.30) to the Preparatory Committee for the 2015 Review Conference at its first session, and on "Applying the principle of transparency in nuclear disarmament" (NPT/CONF.2015/PC.11/WP.26) at the Committee's second session.

2010 Review Conference

7. The action plan agreed at the 2010 Review Conference reaffirmed both the unequivocal undertaking by the nuclear-weapon States to the total elimination of their nuclear arsenals and the continued validity of the practical steps agreed to in the Final Document of the 2000 Review Conference. The 2010 action plan included concrete steps for the total elimination of nuclear weapons comprising 22 follow-on actions which reaffirm and build upon the decisions taken in 1995 and 2000. Taking those concrete steps would contribute to the implementation of article VI of the Treaty. The 2010 Review Conference also emphasized the importance of a process leading to the full implementation of the 1995 resolution on the Middle East and, in this context, endorsed the convening in 2012 of a conference, to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of agreements freely arrived at by the States of the region.

8. Importantly, the Conference also re-emphasized the commitment to apply the principles of irreversibility, verifiability and transparency in relation to nuclear disarmament measures. Through action 5 of its consensus action plan, the Conference also provided for undertakings by the nuclear-weapon States to take specific measures on nuclear disarmament and for them to report back on those undertakings at the 2014 session of the Preparatory Committee. The New Agenda Coalition looks forward to the nuclear-weapon States' reporting.

9. The 2010 Review Conference expressed its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and asserted the need for all States at all times to comply with applicable international law, including international humanitarian law. In this way, the recognition of the devastation that would be visited on all humanity by a nuclear war was central to the agreement of the Treaty. In a working paper to this session of the Preparatory Committee, the New Agenda Coalition presents its views on the centrality to the Treaty of the consideration of the effects of nuclear weapons.

Progress since the adoption by the 2010 Review Conference of the nuclear disarmament action plan

10. A welcome development since the adoption of the action plan on nuclear disarmament is the reduction in the overall number of operationally deployed strategic nuclear weapons as a result of the entry into force of the Treaty between the Russian Federation and the United States of America on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START). Follow-on bilateral measures are now required. Further efforts are expected from the other nuclear-weapon States to reduce their nuclear arsenals and to increase transparency about steps taken. All types of nuclear weapons, irrespective of their size and location, must be included in future reduction agreements with a view to their total elimination.

11. Since 2010, the continued modernization of nuclear arsenals and the development of advanced and new types of nuclear weapons has run counter to the undertakings given by the nuclear-weapon States. Progress has not been evident in reducing and eliminating nuclear weapons stationed outside the territories of the nuclear-weapon States. Current information available on security doctrines suggest continued reliance on nuclear weapons as an integral part of national security, thereby undermining previous commitments made under the Treaty. Information on reducing the role of nuclear weapons in all military and security concepts, doctrines and policies on which the nuclear-weapon States were called to engage in 2010 is awaited. Regrettably, nuclear deterrence policies remain a defining characteristic of the military doctrines of nuclear-weapon States and the military alliances to which they are party. At this meeting of the Preparatory Committee, information is awaited on actions taken since 2010 to reduce the operational readiness of nuclear-weapon systems.

12. The action plan on nuclear disarmament agreed at the 2010 Review Conference included calls for nuclear-weapon States to discuss policies that could prevent the use of nuclear weapons and reduce the risk of accidental use of nuclear weapons and to report on such discussions to this Preparatory Committee meeting. Given the impact of nuclear weapons, the only complete defence against the use of nuclear weapons, by accident or design, is their total elimination and the assurance that they will never be produced again.

13. The information which has been provided to date by some nuclear-weapon States on their nuclear arsenals and the progress made in the implementation of New START represent important confidence-building measures. The series of meetings between the five nuclear-weapon States to engage on these matters since the 2010 Review Conference is a welcome development, but further information is needed about the efforts of the nuclear-weapon States to enhance transparency and increase mutual confidence as between the nuclear-weapon States and the non-nuclear-weapon States. The New Agenda Coalition regrets that, to date, no information has been made available on the publicly accessible repository mandated by the 2010 action plan for this purpose.

14. Despite intensive efforts since 2010, including the submission of draft programmes of work, the Conference on Disarmament has not been able to implement the three specific recommendations of the 2010 action plan on nuclear disarmament owing to the continued lack of consensus.

15. The absence of the establishment in the Middle East of a nuclear-weapon-free zone, including the failure to hold a Conference in 2012 on the establishment in the Middle East of a zone free of nuclear weapons and all other weapons of mass destruction, continues to be a serious concern. Thus, it is of crucial importance that a date be fixed by the Secretary-General and co-convenors, together with the Facilitator, for the convening of the Conference in 2014. The convening of the Conference is among the practical steps

endorsed by consensus at the 2010 Review Conference. The 2010 Review Conference emphasized the importance of a process leading to the full implementation of the 1995 resolution on the Middle East, which has also not been implemented to date, despite being an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty was indefinitely extended without a vote.

16. Further progress is urgently required to facilitate the entry into force of the Comprehensive Nuclear-Test-Ban Treaty. By raising the threshold for the acquisition of nuclear weapons, preventing a qualitative arms race and reducing the reliance on nuclear weapons in national security strategies, the Comprehensive Nuclear-Test-Ban Treaty constitutes a core element of the international non-proliferation and disarmament regime. The entry into force of the Comprehensive Nuclear-Test-Ban Treaty would also strengthen confidence in the international security system by establishing an effective verification mechanism. In this regard, all Comprehensive Nuclear-Test-Ban Treaty undertakings listed in the 2010 Review Conference action plan should be duly fulfilled. Some positive progress has been made towards the entry into force of the Comprehensive Nuclear-Test-Ban Treaty with the ratification by Indonesia, the first Annex 2 State to ratify since the 2010 Review Conference.

17. The entry into force in July 2011 of the Protocol between the Governments of the Russian Federation and the United States to update the 2000 Agreement concerning the Management and Disposition of Plutonium Designated as No Longer Required for Defence Purposes and Related Cooperation represents progress since the adoption of the action plan, though further information is awaited on progress made on the verification role for the International Atomic Energy Agency (IAEA) under the Agreement and Protocol. No further progress has been made in the development of appropriate legally binding verification arrangements, in the context of IAEA, to ensure the irreversible removal of fissile material, particularly weapons-grade highly enriched uranium, designated as no longer required for military purposes, as foreseen in actions 16 and 17 of the 2010 Review Conference action plan.

18. The urgency and importance of achieving the universality of the Treaty on the Non-Proliferation of Nuclear Weapons was reiterated in 2010, and States parties were called upon to make all efforts to promote universal adherence and not to undertake any actions that could negatively affect the prospects for its universality. No progress has been made in this regard.

The way forward: the 2015 Treaty review cycle

19. While there has been progress in implementing some of the concrete steps agreed at successive review conferences since 1995, including through the reduction of the number of nuclear weapons in the arsenals of some nuclear-weapon States and increased transparency measures by some nuclear-weapon States, the threat posed by nuclear weapons remains and the objectives of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons have not yet been met. The continued existence of nuclear weapons and the threat of their proliferation 44 years after the entry into force of the Treaty contradicts commitments made under the Treaty. Accordingly, the 2015 Treaty review cycle should decisively tackle these challenges and address the confidence deficit among States parties to the Treaty. The implementation of disarmament commitments aimed at achieving and sustaining a world free from nuclear weapons cannot be postponed again.

20. This review cycle should be devoted to concrete action, moving beyond the conclusions and recommendations for follow-on actions set out in the Final Document of the 2010 Review Conference. The nuclear-weapon States must, without further delay, fulfil their obligations flowing from article VI through systematic and progressive efforts.

21. Furthermore, all States parties to the Treaty, particularly the nuclear-weapon States and the States in the region, must take concrete actions to implement the 1995 resolution on the Middle East, thereby building upon the 2010 action plan.

22. The convening of the Conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, as mandated by the 2010 Review Conference, is an essential element of the 2015 Treaty review cycle. The Secretary-General and depository States are thus called upon to continue to make efforts to assist the Facilitator in convening the Conference without further delay. As mandated, the Facilitator will also assist in the implementation of the follow-on steps to be agreed to by the participating regional States at the Conference towards the full implementation of the 1995 resolution on the Middle East, and will submit reports on this to the 2015 Review Conference and its Preparatory Committee.

23. As part of the 2010 action plan on nuclear disarmament, all States parties committed to apply the principles of irreversibility, verifiability and transparency in relation to the implementation of their Treaty obligations. Irreversibility is a cardinal principle of the nuclear disarmament process and can only be guaranteed through the strict and transparent implementation of relevant legal and technical commitments. Technical approaches have been developed in the context of the implementation by the nuclear-weapon States of agreements concerning nuclear weapon reductions, particularly the work undertaken on dismantling warheads and disposing of fissile material under agreements between the Russian Federation and the United States. The development of such approaches may contribute to the demonstration of irreversibility in multilateral nuclear disarmament. In any future multilateral process, such technical approaches would need to be supplemented by appropriate legally binding transparency and verification measures in order to provide assurance of the irreversibility of that process.

24. As a short-term demonstration of the irreversibility of nuclear disarmament actions taken, all nuclear-weapon States must initiate or accelerate, and conclude, the development of multilateral arrangements for placing fissile material no longer required for military purposes, including weapons-grade plutonium and weapons-grade uranium, under IAEA verification, and make arrangements for the disposition of such material for peaceful purposes, ensuring that this material remains permanently outside military programmes in a verifiable manner. Adequate, legally binding and efficient nuclear disarmament verification arrangements are urgently required to promote confidence in the permanence and irreversibility of the removal of such material from military programmes.

25. Beyond the requisite actions and reporting set out in the 2010 Review Conference action plan, nuclear-weapon States should commit at the 2015 Review Conference to take additional measures to implement their nuclear disarmament obligations under article VI, their unequivocal undertaking to accomplish the total elimination of their nuclear arsenals and to apply the principles of transparency, verifiability and irreversibility to nuclear disarmament measures. In addition, all States that are part of military alliances that include nuclear-weapon States should commit to reducing and eliminating the role of nuclear weapons in collective security doctrines.

26. Building on the agreements reached at the 2000 and 2010 Review Conferences, further concrete measures must be taken to decrease the operational readiness of nuclear weapon systems, with a view to ensuring that all nuclear weapons are removed from high-alert status.

27. Since the 2010 Review Conference, awareness has been steadily growing about the humanitarian consequences and ever-present risk of a nuclear detonation, whether by accident, miscalculation or design. This was illustrated by the Conferences on the Humanitarian Impact of Nuclear Weapons, held in Oslo in 2013 and Nayarit, Mexico, in

2014, and will be further discussed in Vienna in late 2014. Given the indiscriminate and catastrophic effects of nuclear weapons, humanitarian concerns should be central to all actions and decisions during the 2015 review cycle and beyond.

28. Furthermore, the 2015 Review Conference should call for the elaboration of a clear, legally binding, multilateral commitment to achieving nuclear disarmament, which would underpin and guide all future efforts towards nuclear disarmament. What is needed is a comprehensive and legally binding framework committing all States to a world free of nuclear weapons, which the New Agenda Coalition has consistently advocated for, comprising the aforementioned mutually reinforcing components, implemented in an unconditional manner and backed by clearly defined timelines, benchmarks and a strong system of verification.

29. States parties to the Treaty should take into account that failure to fulfil agreements and undertakings reached at successive Review Conferences diminishes the credibility of the Treaty and may pose a threat to the long-term sustainability of the non-proliferation regime. All States parties to the Treaty must continue to be committed to ensuring the full and effective implementation of article VI without delay. The New Agenda Coalition looks forward to working with all States parties to develop a robust, effective and ambitious action plan at the 2015 Review Conference that will reinforce the ability of the Treaty to deliver on its promise of a world without nuclear weapons.

Conference on Disarmament

20 June 2014

Original: English

Note verbale dated 17 June 2014 from the Permanent Mission of Ireland addressed to the Acting Secretary-General of the Conference on Disarmament transmitting the text of the paper entitled "Applying the principle of transparency in nuclear disarmament" submitted by Brazil on behalf of the New Agenda Coalition to the Second Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons[1]

The Permanent Mission of Ireland to the United Nations Office and other international organizations based in Geneva presents its compliments to the Secretary-General of the Conference on Disarmament, and has the honour to transmit herewith the English language version of the paper entitled "Applying the principle of transparency in nuclear disarmament" submitted by Brazil on behalf of the New Agenda Coalition to the Second Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

The Permanent Mission of Ireland would appreciate it if the paper could be issued as an official document of the Conference on Disarmament and distributed to all member States and non-member participants of the Conference.

[1] Previously issued as document of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons under symbol NPT/CONF.2015/PC.II/WP.26 of 15 April 2013 as attached.

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Applying the principle of transparency in nuclear disarmament

Working paper submitted by Brazil on behalf of Egypt, Ireland, Mexico, New Zealand and South Africa as members of the New Agenda Coalition

Introduction

1. All States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, including the nuclear-weapon States, have committed to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons.

2. At the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the States parties agreed on a number of practical steps for systematic and progressive efforts to implement article VI of the Treaty and paragraphs 3 and 4 (c) of the 1995 decision entitled "Principles and objectives for nuclear non-proliferation and disarmament". These steps included an unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals and agreement to apply the principle of irreversibility to nuclear disarmament, nuclear and other related arms control and reduction measures.

3. The Final Document of the 2000 Review Conference called for increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.

4. The 2010 Review Conference reaffirmed the principles of transparency, irreversibility and verifiability, which would build increased confidence and trust and would contribute to sustainable disarmament.

5. Transparency has become closely associated with accountability. Actions related to transparency are not only central for the credibility of any disarmament measures but also to measure compliance with the Treaty. Transparency efforts constitute a learning process in which confidence grows and facilitates further steps.

6. This paper examines the Treaty's transparency and confidence-building measures as they apply to the nuclear-weapon States, given those States' particular responsibilities with regard to nuclear disarmament and the specific reporting obligations accorded to them by the action plan adopted by the 2010 Review Conference. Existing obligations, commitments and undertakings on transparency, as well as the New Agenda Coalition's previous proposals to enhance transparency in nuclear disarmament, are included in the annex.

Status of transparency and confidence-building measures taken by the nuclear-weapon States

7. In 1995, the nuclear-weapon States began providing varying levels of data regarding their national implementation of article VI to the review process of the Treaty. Even though this reporting signals a positive development towards greater transparency, it is incomplete, has not been standardized and is not subject to verification.

8. Information available on nuclear weapons differs greatly between the nuclear-weapon States. A special concern regarding lack of transparency involves warheads that are not covered by any control regime. For example, information on the stockpile of tactical nuclear weapons is not available.

9. No institutional mechanism exists to monitor the nuclear-weapon States on the implementation of their disarmament obligations. While several of the nuclear-weapon States disclose information about their reductions, the amount, nature and type of information provided to date complicates assessment.

10. With the exception of one nuclear-weapon State, all other nuclear-weapon States have made statements or issued documents providing some details of their nuclear weapon holdings or have released information on the basis of which these holdings can only be estimated. However, there is no common format for this information, which complicates comparative assessments. The nuclear-weapon States have yet to agree on a standard reporting form and determine appropriate reporting intervals, as outlined in action 21 of the 2010 action plan.

11. The five nuclear-weapon States have been meeting to discuss some aspects of the implementation of the 2010 action plan. These interactions are reported to have been focused on transparency, nuclear doctrines and verification, recognizing that such measures are important for establishing a firm foundation for further disarmament efforts. They have announced the creation of a working group that would pursue work on a glossary of key nuclear terms in order to facilitate future consultations and discussions. These meetings among the nuclear-weapon States are a welcome development, since they correspond to commitments agreed at the 2010 Review Conference. It is not yet clear whether these meetings have been productive in enhancing confidence among the five nuclear-weapon States and how this will contribute to generating confidence between the nuclear-weapon States and the non-nuclear-weapon States.

12. Step 12 of the 13 practical steps for the implementation of article VI, adopted by the 2000 Review Conference, calls for regular reports by all States parties on the implementation of article VI and paragraph 4 (c) of the 1995 decision. In addition, action 20 calls upon all States parties to submit regular reports on their implementation of the action plan.

13. In line with action 21, the United Nations Office for Disarmament Affairs has set up a website to function as a repository for information provided by the nuclear-weapon States in accordance with the 2010 action plan. No information has yet been provided. Action by the nuclear-weapon States is required to give the repository substance.

14. The New Agenda Coalition believes that these are issues that the 2015 Review Conference should address substantively.

Way forward: transparency in nuclear disarmament

15. The 2000 Review Conference agreed on practical steps for systematic and progressive efforts to implement article VI (the 13 practical steps). Among these steps, the Final Document of the 2000 Review Conference called for increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament. The 2010 Review Conference reaffirmed the principles of transparency, irreversibility and verifiability, which would build increased confidence and trust and would contribute to sustainable disarmament. Building on the 13 practical steps, action 5 of the 2010 action plan was agreed.

16. Transparency is needed to enhance confidence not only among the nuclear-weapon States but also between the nuclear-weapon States and the non-nuclear-weapon States. Action 5 of the 2010 action plan therefore calls upon the nuclear-weapon States to report on the implementation of the undertakings contained therein to the Preparatory Committee in 2014. The 2015 Review Conference will take stock of such measures and consider the next steps for the full implementation of article VI.

17. There is a need for further clarity on the baseline that will be used to measure progress being achieved. As the existing information provided by the nuclear-weapon States is uneven, the report to the Preparatory Committee in 2014 presents a good opportunity to harmonize it.

18. When reporting on the implementation of action 5 and in order to give effect to the principle of transparency, the New Agenda Coalition considers that the 2014 reports from the nuclear-weapon States should include, as a minimum, the following information:

Action 5 (a): information should be provided in order that all States parties can understand the baseline from which the nuclear-weapon States are reducing their warheads, and how much progress is being achieved. In this regard, all nuclear-weapon States should disclose official data on the total size of their nuclear stockpile and delivery systems. Second, they should inform States parties of the numbers of nuclear warheads and delivery systems being eliminated under article VI. Third, all nuclear-weapon States could report on the plans for the further elimination of nuclear weapons and delivery vehicles;

Action 5 (b): information is needed on the actions taken to address the question of all types and locations of nuclear weapons. In this regard, all nuclear-weapon States should provide full aggregate and relevant disaggregate numbers;

Action 5 (c): all the nuclear-weapon States should include information on how the role and significance of nuclear weapons in their military and security concepts, doctrines and policies has been further diminished since 2010;

Action 5 (d): all the nuclear-weapon States should report on measures and policies discussed to prevent the use of nuclear weapons and lead to their elimination;

Action 5 (e): all the nuclear-weapon States should include information on the actions taken to reduce their nuclear warheads' operational status and address relevant de-alerting issues;

Action 5 (f): all the nuclear-weapon States should provide information on the steps that they have taken to reduce the risk of accidental use of nuclear weapons;

Action 5 (g): all the nuclear-weapon States should provide information on the actions taken to further enhance transparency and increase mutual confidence, not only among the nuclear-weapon States, but also between the nuclear-weapon States and the non-nuclear-weapon States.

19. The five nuclear-weapon States have been meeting regularly to discuss some aspects of the implementation of the action plan and should provide more substantive information on the outcomes of their meetings.

20. At the 2015 Review Conference, all the nuclear-weapon States should commit to annually submit accurate, complete and comprehensive reports on their nuclear arsenals, weapons-grade highly enriched uranium and plutonium stockpiles and production histories, in addition to material irreversibly removed from nuclear weapons programmes.

21. The above information should be submitted to the United Nations Office for Disarmament Affairs and published on the website that it has set up to function as a

repository for information provided by the nuclear-weapon States, as outlined in action 21 of the 2010 action plan.

22. In addition to enhancing transparency on the implementation of action 5, the nuclear-weapon States are encouraged to take further measures aimed at instilling confidence in the implementation of their nuclear disarmament obligations under article VI.

23. Finally, as transparency is a principle applicable to all States parties, States that are part of military alliances that include the nuclear-weapon States should report, as a significant transparency and confidence-building measure, on steps taken or future steps planned to reduce and eliminate the role of nuclear weapons in collective security doctrines.

Annex

Existing obligations, commitments and undertakings in relation to transparency

2010 action plan

- Action 1: All States parties commit to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons.

- Action 2: All States parties commit to apply the principles of irreversibility, verifiability and transparency in relation to the implementation of their treaty obligations.

- Action 5: The nuclear-weapon States commit to accelerate concrete progress on the steps leading to nuclear disarmament, contained in the Final Document of the 2000 Review Conference, in a way that promotes international stability, peace and undiminished and increased security. To that end, they are called upon to promptly engage with a view to, inter alia:

(a) Rapidly moving towards an overall reduction in the global stockpile of all types of nuclear weapons, as identified in action 3;

(b) Address the question of all nuclear weapons regardless of their type or their location as an integral part of the general nuclear disarmament process;

(c) To further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies;

(d) Discuss policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the danger of nuclear war and contribute to the non-proliferation and disarmament of nuclear weapons;

(e) Consider the legitimate interest of non-nuclear-weapon States in further reducing the operational status of nuclear weapons systems in ways that promote international stability and security;

(f) Reduce the risk of accidental use of nuclear weapons; and

(g) Further enhance transparency and increase mutual confidence.

The nuclear-weapon States are called upon to report the above undertakings to the Preparatory Committee at 2014. The 2015 Review Conference will take stock and consider the next steps for the full implementation of article VI.

- Action 19: All States agree on the importance of supporting cooperation among Governments, the United Nations, other international and regional organizations and civil society aimed at increasing confidence, improving transparency and developing efficient verification capabilities related to nuclear disarmament.

- Action 20: States parties should submit regular reports, within the framework of the strengthened review process for the Treaty, on the implementation of the present action plan, as well as of article VI, paragraph 4 (c), of the 1995 decision entitled "Principles and objectives for nuclear non-proliferation and disarmament",

and the practical steps agreed to in the Final Document of the 2000 Review Conference, and recalling the advisory opinion of the International Court of Justice of 8 July 1996.

- Action 21: As a confidence-building measure, all the nuclear-weapon States are encouraged to agree as soon as possible on a standard reporting form and to determine appropriate reporting intervals for the purpose of voluntarily providing standard information without prejudice to national security. The Secretary-General of the United Nations is invited to establish a publicly accessible repository, which shall include the information provided by the nuclear-weapon States.

2000 Review Conference

- Step 9 of the 13 practical steps for the implementation of article VI, adopted by the 2000 Review Conference, calls for increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.

- Step 12 calls for regular reports by all States parties on the implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": the determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control.

1995 Review and Extension Conference

- In paragraph 7 of decision 1, entitled "Strengthening the review process for the Treaty", the Conference agrees that Review Conferences should look forward as well as back. They should evaluate the results of the period they are reviewing, including the implementation of undertakings of the States parties under the Treaty, and identify the areas in which, and the means through which, further progress should be sought in the future. Review Conferences should also address specifically what might be done to strengthen the implementation of the Treaty and to achieve its universality.

- In the preamble of decision 2, entitled "Principles and objectives for nuclear non-proliferation and disarmament", it is ruled that nuclear disarmament and international cooperation in the peaceful uses of nuclear energy should be vigorously pursued and progress, achievements and shortcomings evaluated periodically within the review process provided for in article VIII, paragraph 3, of the Treaty (every five years).

- In the third paragraph of decision 2, related to nuclear disarmament, it is recalled that nuclear disarmament is substantially facilitated by the easing of international tension and the strengthening of trust between States which have prevailed following the end of the cold war. The undertakings with regard to nuclear disarmament as set out in the Treaty on the Non-Proliferation of Nuclear Weapons should thus be fulfilled with determination. In this regard, the nuclear-weapon States reaffirm their commitment, as stated in article VI, to pursue in good faith negotiations on effective measures relating to nuclear disarmament.

Previous proposals by the New Agenda Coalition to enhance transparency in nuclear disarmament

The New Agenda Coalition has consistently outlined possible actions that the States parties to the Treaty could take to ensure the application of the principle of transparency. In particular, in working papers NPT/CONF.2005/WP.27 and NPT/CONF.2010/WP.8, the Coalition has called for the following specific actions:

- The nuclear-weapon States should undertake, as early and interim steps towards nuclear disarmament, to demonstrate greater transparency with regard to their nuclear arsenals and fissile material inventories.

- The nuclear-weapon States should take further action towards increasing their transparency and accountability with regard to their nuclear weapon arsenals and their implementation of disarmament measures, and are obliged to report as agreed in step 12 at the 2000 Review Conference.

The New Agenda Coalition's transparency advocacy since 2010

In its working papers presented to the Preparatory Committee in 2012 (NPT/CONF.2015/PC.I/WP.29 and NPT/CONF.2015/PC.I/WP.30), the Coalition underlined the following points in relation to the transparency obligations of the 2010 action plan:

- Information released by some nuclear-weapon States on their nuclear arsenals and the progress made towards the implementation of New START represent important confidence-building measures. While the recent initiative of the five nuclear-weapon States to engage on these matters is a welcome development, no information regarding the efforts of the nuclear-weapon States towards enhancing transparency and increasing mutual confidence has been made available.

- In the 2010 action plan pertaining to nuclear disarmament, nuclear-weapon States agreed to three specific undertakings regarding reporting on nuclear disarmament. They were called upon to report to the 2014 session of the Preparatory Committee for the 2015 Review Conference on concrete progress made on the steps leading to nuclear disarmament. They were also encouraged to agree as soon as possible on a standard reporting form and to determine the appropriate reporting intervals for the purpose of voluntarily providing standard information without prejudice to national security. Furthermore, they were required — among all States parties — to submit regular reports, within the framework of the strengthened review process for the Treaty, on the implementation of the 2010 action plan. Regarding the latter two undertakings, limited progress has been made so far.

- It is particularly important that the nuclear-weapon States engender confidence in their commitment to implement their undertakings, including through enhanced transparency measures. In this context, the 2010 Review Conference reaffirmed the urgent need for the nuclear-weapon States to implement the steps leading to nuclear disarmament agreed to in the Final Document of the 2000 Review Conference. Accordingly, the nuclear-weapon States are expected to promptly engage with a view to accelerating concrete progress on these steps, including through the measures outlined in action 5. The nuclear-weapon States are urged to report regularly and substantively on progress made in the implementation of action 5, and indeed on the other elements of the action plan.

- The nuclear-weapon States are called upon to give effect to action 21 of the 2010 action plan by agreeing as a matter of priority on a standard reporting format and reporting intervals. Annual reporting would represent an appropriate interval. This would also be consistent with action 20, which notes that States should submit regular reports.

- Consistent with the commitment under action 5 (g) of the 2010 action plan to further enhance transparency and increase mutual confidence, nuclear-weapon States should commit themselves to annually submitting accurate, complete and comprehensive reports on their nuclear arsenals, weapons-grade highly enriched uranium and plutonium stockpiles and production histories, in addition to material irreversibly removed from nuclear weapons programmes, in conformity with all articles of the Treaty, especially articles I and II.

- Beyond the requisite actions and reports set out in the 2010 action plan, nuclear-weapon States are encouraged to take additional measures aimed at instilling confidence in the implementation of their nuclear disarmament obligations under article VI. In addition, all States that are part of military alliances that include the nuclear-weapon States should report, as a significant transparency and confidence-building measure, on steps taken or future steps planned to reduce and eliminate the role of nuclear weapons in collective security doctrines.

Conference on Disarmament

20 June 2014

Original: English

Note verbale dated 17 June 2014 from the Permanent Mission of Ireland addressed to the Acting Secretary-General of the Conference on Disarmament transmitting the text of the paper entitled "Multilateral nuclear disarmament verification: applying the principles of irreversibility, verifiability and transparency" submitted by South Africa on behalf of the New Agenda Coalition to the First Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons[1]

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The Permanent Mission of Ireland would appreciate it if the paper could be issued as an official document of the Conference on Disarmament and distributed to all member States and non-member participants of the Conference.

[1] Previously issued as document of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons under symbol NPT/CONF.2015/PC.I/WP.30 of 26 April 2012 as attached.

Multilateral nuclear disarmament verification: applying the principles of irreversibility, verifiability and transparency

Working paper submitted by South Africa on behalf of Brazil, Egypt, Ireland, Mexico, New Zealand and Sweden as members of the New Agenda Coalition

Perspective

1. At the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the States parties agreed on a number of practical steps for systematic and progressive efforts to implement article VI of the Treaty and paragraphs 3 and 4 (c) of the 1995 decision entitled "Principles and objectives for nuclear non-proliferation and disarmament". These steps included an unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals and agreement to apply the principle of irreversibility to nuclear disarmament, nuclear and other related arms control and reduction measures. Along with increased transparency by the nuclear-weapon States, the States parties committed themselves to further developing the verification capabilities that would be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world. The Conference further agreed that all nuclear-weapon States would place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under the International Atomic Energy Agency (IAEA) or other relevant international verification to ensure that such material remained permanently outside military programmes.

2. The 2010 Review Conference noted the reaffirmation by the nuclear-weapon States of their unequivocal undertaking to accomplish the total elimination of their nuclear arsenals, and reaffirmed the continued validity of the practical steps agreed to in the Final Document of the 2000 Review Conference. The nuclear-weapon States also committed themselves to accelerating concrete progress on the steps leading to nuclear disarmament. All States parties committed themselves to applying the principles of irreversibility, verifiability and transparency in relation to the implementation of their treaty obligations. In reiterating the agreements reached in 2000, the 2010 Review Conference encouraged the nuclear-weapon States to commit themselves to declaring to IAEA all fissile material designated by each of them as no longer required for military purposes and to place such material as soon as practicable under IAEA or other relevant international verification. In that regard, all States were encouraged to support the development of appropriate legally binding verification arrangements, within the context of IAEA, to ensure the irreversible removal of fissile material designated by each nuclear-weapon State as no longer required for military purposes.

3. Since the entry into force of the Treaty, significant efforts have been made to strengthen the IAEA safeguards system in non-nuclear-weapon States, as required under article III of the Treaty, with a view to preventing the diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. These efforts included the development of comprehensive safeguards agreements, the Model Additional Protocol and integrated safeguards that aim at providing credible assurances regarding the non-diversion of nuclear material from declared activities and the absence of undeclared nuclear material and activities.

4. No similar efforts have been undertaken to strengthen safeguards in the nuclear-weapon States, specifically in support of nuclear disarmament measures, the relevant

commitments made in 2000 and 2010 in this regard notwithstanding. Although the nuclear-weapon States have all signed and ratified additional protocols to their safeguards agreements, which constitute an important political signal, the effect of these arrangements is largely symbolic given the nature of the safeguards agreements currently applied in the nuclear-weapon States.

5. Significantly, article III.B.1 of the IAEA statute requires the Agency to conduct its activities in accordance with the purposes and principles of the United Nations to promote peace and international cooperation, and in conformity with policies of the United Nations furthering the establishment of safeguarded worldwide disarmament and in conformity with any international agreements entered into pursuant to such policies. Furthermore, article III.A.5 provides for the Agency to establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose; and to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy. In this context, the IAEA midterm strategy for 2012-2017 stipulates that the Agency must remain ready to assist, in accordance with its statute, with verification tasks under nuclear disarmament or arms control agreements that it may be requested to carry out by the States parties to such agreements.

6. Besides the continuing work on the implementation of the agreement between the Government of the United States of America and the Government of the Russian Federation concerning the management and disposition of plutonium designated as no longer required for defence purposes and related cooperation, no further progress has been made in the development of appropriate legally binding verification arrangements, in the context of IAEA, to strengthen safeguards in the nuclear-weapon States in support of nuclear disarmament measures. Fissile material that has been announced or declared as permanently removed from weapons programmes and/or declared as excess, including material that has been placed under IAEA safeguards can, under the current voluntary offer safeguards applied in the nuclear-weapon States, still be withdrawn from safeguards and used in the development of nuclear weapons. These measures therefore do not give effect to the principles of irreversibility, verifiability and transparency as agreed to at previous Review Conferences and provide no assurances regarding the irreversible removal of fissile material from military programmes, particularly weapons-grade highly enriched uranium and plutonium designated as no longer required for military purposes.

7. The verification of nuclear disarmament measures is an indispensable element in the fulfilment of the nuclear disarmament obligations resulting from article VI of the Treaty. Warhead dismantlement and the verification of fissile material permanently removed from military programmes are therefore important matters that will need to be dealt with as increasing progress is made on the path towards a world free of nuclear weapons. A multilateral verification regime in this context would need to be effective and credible, while respecting the requirement to maintain confidentiality in relation to sensitive weapons design and composition, given the obligations under articles I and II of the Treaty.

8. The present working paper is intended to contribute towards the implementation of the commitment of all States parties under the 2010 action plan to support the development of appropriate legally binding verification arrangements, within the context of IAEA, to ensure the irreversible removal of fissile material designated by each nuclear-weapon State as no longer required for military purposes.

Relevant resolutions, decisions and initiatives

9. Since the General Assembly adopted its first resolution, on 24 January 1946, the international community has recognized the need for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction and for effective safeguards by way of inspections and other means to protect complying States against the hazards of violations and evasions. The need for nuclear disarmament verification measures is reflected in the large volume of resolutions and decisions adopted by the General Assembly and at the Review Conferences, and in the IAEA statute. The annex to the present working paper contains an indicative list of some of the Treaty decisions that are relevant to the multilateral verification of nuclear disarmament measures.

10. Nuclear disarmament verification has also been the subject of a number of initiatives[2] that can be drawn upon and provide valuable insight into a future multilateral verification system in the context of article VI of the Treaty. An important example is the Trilateral Initiative between the Russian Federation, the United States and IAEA, which was launched in 1996 and suspended in 2002. This initiative, which was one of the practical steps for systematic and progressive efforts to implement article VI of the Treaty agreed upon at the 2000 Review Conference, examined the technical, legal and financial issues associated with IAEA verification of weapon-origin and other fissile material released from military programmes. It was intended to establish a verification system under which States possessing nuclear weapons might submit excess weapon material. Although the specific materials to be declared would be for the States to decide, the decision to submit the material for IAEA verification, once made, would have been irrevocable. Moreover, in keeping with the need for verification, once the decision was made to submit material for IAEA verification, inspections would be obligatory.

11. While only limited information on the Initiative has been publicly released, the Director General of IAEA informed the General Conference at its forty-sixth regular session, in 2002, that the preparatory work under the Trilateral Initiative had been largely concluded and that experts had agreed that the technical solutions developed under that initiative could allow the Agency to verify any form of fissile material without disclosing sensitive information. He also confirmed that preliminary estimates of the verification costs had been made and a legal framework for verification developed.

Further action required

12. In keeping with the decisions taken at the 1995, 2000 and 2010 Review Conferences, in particular as regards the application of the principles of irreversibility, verification and transparency to nuclear disarmament measures, the 2015 Review Conference should agree to the conclusion, within the context of IAEA, of strengthened safeguards and enhanced verification arrangements that would ensure the application of

[2] In a research report published in September 2010 by the Verification Research, Training and Information Centre entitled "Verifying warhead dismantlement: past, present, future", the focus is on an initiative between Norway and the United Kingdom of Great Britain and Northern Ireland on verified warhead dismantlement. In the report, there is also an overview of other relevant efforts and initiatives, including a 1967 joint project between the United States Department of Defense and the United States Arms Control and Disarmament Agency designated "Field Test FT-34", joint Black Sea experiments carried out by United States and Soviet Union scientists during the 1980s, a United States Department of Energy study in 1996-1997 on transparency and verification options to monitor warhead dismantlement and the 1996-2002 Trilateral Initiative between the Russian Federation, the United States and IAEA, in addition to relevant studies conducted in the United Kingdom from 1998 to 2005.

safeguards in perpetuity on material irreversibly removed from nuclear weapons programmes. In this respect, there is an urgent need to develop adequate and efficient nuclear disarmament verification capabilities and legally binding verification arrangements. This could include the negotiation of a new model agreement, protocol or other legally binding arrangements that would apply to all material permanently removed from weapons programmes, which would provide the necessary confidence that such material could not in future be withdrawn or diverted for nuclear weapons purposes. In this context, IAEA should be called upon to take all necessary actions to support the development of new legally binding arrangements and the necessary technical capabilities that would be required for this purpose.

13. While strengthened safeguards and enhanced verification arrangements in furthering the establishment of safeguarded worldwide disarmament will inevitably require additional resources, these tasks should be conducted in a manner that would not jeopardize the fulfilment of the other statutory functions and responsibilities of IAEA or negatively affect the need to maintain an appropriate balance between the promotional and other statutory activities of the Agency.

14. New legally binding multilateral disarmament verification measures should be underpinned by a reaffirmation of a global moratorium on fissile material production for nuclear weapons, pending the conclusion of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices that should fulfil both nuclear disarmament and nuclear non-proliferation objectives.

15. All nuclear-weapon States must initiate or accelerate the development of multilateral arrangements for placing fissile material no longer required for military purposes, including weapons-grade plutonium and weapons-grade uranium, under IAEA verification and make arrangements for the disposition of such material for peaceful purposes, ensuring that such material remains permanently outside military programmes in a verifiable manner.

16. Consistent with the commitment under action 5 (g) of the 2010 action plan to further enhance transparency and increase mutual confidence, nuclear-weapon States should commit themselves to annually submitting accurate, complete and comprehensive reports on their nuclear arsenals, weapons-grade highly enriched uranium and plutonium stockpiles and production histories, in addition to material irreversibly removed from nuclear weapons programmes, in conformity with all articles of the Treaty, especially articles I and II.

Annex

Decisions related to nuclear disarmament verification

1995 Review and Extension Conference

1. Paragraph 13 of the decision on principles and objectives states that nuclear fissile material transferred from military use to peaceful nuclear activities should, as soon as practicable, be placed under Agency safeguards in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States. Safeguards should be universally applied once the complete elimination of nuclear weapons has been achieved.

2000 Review Conference

2. In paragraph 22 of part I of the Final Document, under the heading "Article III and fourth and fifth preambular paragraphs, especially in their relationship to article IV and the sixth and seventh preambular paragraphs", the Conference recognized that measures to strengthen the effectiveness and improve the efficiency of the safeguards system with a view to providing credible assurance of the non-diversion of nuclear material from declared activities and of the absence of undeclared nuclear material and activities must be implemented by all States parties to the Non-Proliferation Treaty, including the nuclear-weapon States.

3. In paragraph 29, the Conference underlined the importance of international verification of nuclear material designated by each nuclear-weapon State as no longer required for military purposes that had been irreversibly transferred to peaceful purposes. The Conference supported unilateral offers and mutual initiatives to place excess material under appropriate IAEA verification arrangements. It also called for nuclear materials designated by each of the nuclear-weapon States as no longer required for military purposes to be placed under IAEA or other relevant verification, as soon as practicable.

4. In paragraph 1 of the section entitled "Article IV and sixth and seventh preambular paragraphs", under the heading "Conversion of nuclear materials to peaceful uses", the Conference noted the steps taken by nuclear-weapon States to reduce their nuclear weapons arsenals and underlined the importance of international verification, as soon as practicable, of nuclear weapons material designated by each nuclear-weapon State as no longer required for military programmes and that had been irreversibly transferred to peaceful purposes.

5. In paragraph 15 of part I of the Final Document, under the heading "Article VI and eighth to twelfth preambular paragraphs", the States parties agreed on, among other things, a number of practical steps for the systematic and progressive efforts to implement article VI of the Treaty and paragraphs 3 and 4 (c) of the 1995 decision entitled "Principles and objectives for nuclear non-proliferation and disarmament". Those steps included:

> 5. The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.
>
> 6. An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI.
>
> ....
>
> 10. Arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and

arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside military programmes.

....

13. The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.

2010 Review Conference

6. The conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference reaffirmed the decisions of the 1995 and 2000 Review Conferences and, among other things, included agreement on the following actions:

- Action 2: All States parties commit to apply the principles of irreversibility, verifiability and transparency in relation to the implementation of their treaty obligations.
- Action 3: In implementing the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, the nuclear-weapon States commit to undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons, deployed and non-deployed, including through unilateral, bilateral, regional and multilateral measures.

  ...

- Action 5: The nuclear-weapon States commit to accelerate concrete progress on the steps leading to nuclear disarmament, contained in the Final Document of the 2000 Review Conference, in a way that promotes international stability, peace and undiminished and increased security. To that end, they are called upon to promptly engage with a view to, inter alia:

  (a) Rapidly moving towards an overall reduction in the global stockpile of all types of nuclear weapons, as identified in action 3;

  ...

  (g) Further enhance transparency and increase mutual confidence.

  ...

- Action 16: The nuclear-weapon States are encouraged to commit to declare, as appropriate, to the International Atomic Energy Agency (IAEA) all fissile material designated by each of them as no longer required for military purposes and to place such material as soon as practicable under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside military programmes.
- Action 17: In the context of action 16, all States are encouraged to support the development of appropriate legally binding verification arrangements, within the context of IAEA, to ensure the irreversible removal of fissile material designated by each nuclear-weapon State as no longer required for military purposes.

CD/1991

Conference on Disarmament

24 June 2014
English
Original: Russian and Spanish

Letter dated 20 June 2014 from the Permanent Representative of the Russian Federation and the Permanent Representative of Argentina addressed to the Acting Secretary-General of the Conference on Disarmament transmitting the text of the joint statement of not being the first to place weapons of any kind in outer space signed on 28 May 2014 in Moscow

We have the honour to transmit herewith the text of the Joint Statement of the Russian Federation and the Republic of Argentina on the no first placement of weapons of any kind in Outer Space signed by the Minister of Foreign Affairs of the Russian Federation Sergei V. Lavrov and the Minister of Foreign Affairs of the Republic of Argentina Hector Timerman on 28 May, 2014.

We would be grateful if this letter and the attached Joint Statement could be issued and circulated as an official document of the Conference on Disarmament.

(*signed*) Alexey N. **Borodavkin**
Ambassador
Permanent Representative of
the Russian Federation

(*signed*) Alberto Pedro **D'Alotto**
Ambassador
Permanent Representative of
Argentina

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Joint statement by the Russian Federation and the Argentine Republic on no first placement of weapons in outer space

The Russian Federation and the Argentine Republic,

Noting the significance of outer space activities as an important factor of the social, economic, scientific and technological development of States, as well as its role in maintaining national and global security,

Believe that outer space should be used in compliance with international law for the benefit of all nations, regardless of the level of their economic, scientific or technological development,

Reiterate their commitment to the principle enshrined in Article 2 of the Charter of the United Nations — to refrain in international relations from the threat or use of force, including in outer space activities — and proceed from the assumption that all States will adhere to such policies,

Declare that they will not in any way be the first to place weapons of any kind in outer space and that they will make all possible efforts to prevent outer space from becoming an arena for military confrontation and to ensure security in outer space activities. The Russian Federation and the Argentine Republic call upon States with space capabilities to follow their example.

Signed in Moscow on 28 May 2014.

For the Russian Federation
Minister for Foreign Affairs
of the Russian Federation
Sergei Lavrov

For the Argentine Republic
Minister for Foreign Affairs and
Worship of the Argentine Republic
Hector Timerman